THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18632 of 2005

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DATED:23-08-2005

The S.C. S.T. Retired and

Badli Parisudhya Panivarla San- kshema Sangam,

(Regd. No.33/2004),

rep. by its President , Mainkala Janardhan Rao &another.

..... PETITIONERS

AND

Mangalagiri Municipality,

rep. by its Commissioner,
Mangalagiri, Guntur District.

.....RESPONDENT

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking a Mandamus declaring the action of the respondent, in not issuing tender schedules to the petitioners, free of cost, as illegal, arbitrary and unconstitutional and

consequently direct the respondent to issue tender schedules to the petitioners, free of cost, and without insisting on payment of E.M.D.

2. It is the case of the petitioners that they are the registered societies formed by persons belonging to Retired Public Health workers, Badli workers and SC, ST communities having experience in sanitation workers such as Badli workers. As they are Retired Public Health workers, they are entitled to certain benefits like issuance of tender schedules, free of cost, and exemption from payment of E.M.D. The tender notice issued by the respondent in ROC.No.779/2005/F1, dated 12-08-2005, for supply of sanitary material in Mangalagiri municipality, is illegal and arbitrary. As per Memorandum No.2054/J1/83/2, M.A., dated 07-10-1983, the respondent is bound to issue the tender documents, free of cost, to all the petitioners and as per G.O.Rt.No.269, M.A., dated
07-04-1998, the respondent is bound to issue tender schedules to the petitioners without insisting on payment of E.M.D. Despite the request of the petitioners the respondent failed to issue tender schedules, free of cost, and without insisting on payment of E.M.D. Aggrieved thereby, the petitioners approached this Court by way of filing the present Writ Petition.

3. Heard both sides.

4. I have perused the entire material on record.

5. Therefore, having regard to the facts and circumstances, it is not fair on the part of the respondents in not issuing the tender schedules to the petitioners free of cost and without insisting on payment of E.M.D. in respect of the tender notice in ROC.No.779/2005/F1, dated 12-08-2005.

6. In a similar case in W.P.M.P.No.18042 of 2005 in W.P.No.12631 of 2005, this Court held as under:

"There shall be interim direction as prayed for, if the tender amount does not exceed Rs.20,00,000/- (rupees twenty lakhs only).

7. In view of the above order and without going into the merits of the case, I deem it appropriate to dispose of the Writ Petition directing the respondent to issue tender schedules to the petitioners free of cost and without insisting on payment of E.M.D. in respect of tender notice in ROC.No.779/2005/F1, dated 12-08-2005.

8. Accordingly, the Writ Petition is disposed of. No order as to costs.

(DHARMA RAO ELIPE,J)

23rd August, 2005.

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